

REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated July 20, 2004. Claims 1-7 are currently pending in the application.

In the Office Action, the Examiner has rejected Claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over *Soliman* (U.S. 6,321,090 B1) in view of *Otsuka et al.* (U.S. 6,741,859 B2).

Additionally, the Examiner has stated that no priority document has been filed for this application. However, a certified copy of Korean Application No. 2001-5242 was filed on January 4, 2002. A copy of the return post card bearing the mailroom stamp of U.S. Patent and Trademark Office is enclosed herewith showing the certified copy was received at the U.S. Patent and Trademark Office. Accordingly, it is respectfully requested that the Examiner acknowledge receipt of this document.

As indicated above, the Examiner has rejected independent Claims 1, 3, and 7 under 35 U.S.C. § 103(a) as being unpatentable over *Soliman* in view of *Otsuka*. In rejecting Claims 1, 3, and 7, the Examiner asserts that *Otsuka* teaches searching FAs of adjacent stations excluding a base station currently engaged in communication with the mobile communication terminal. More specifically, the Examiner cites column 10, lines 15-19 and column 16, lines 40-56 as teaching this recitation of Claims 1, 3, and 7. However, it is respectfully submitted that neither the sections cited by the Examiner, nor any other sections of *Otsuka* teach searching FAs of adjacent stations *excluding a base station currently engaged in communication with said mobile communication terminal*. Further, it is respectfully submitted that *Soliman* does not cure this deficiency.

More specifically, col. 10, lines 15-19 of *Otsuka* discloses that a mobile station currently using a radio frequency that does not permit a soft hand-off operation can stop its search operation from seeking pilot signals of surrounding base stations. This reduces power consumption of the mobile station. However, this cited section merely teaches stopping the operation from seeking

pilot signals of surrounding base stations, and does not disclose searching FAs of adjacent base stations excluding a base station currently engaged in communication with the mobile terminal.

Referring to col. 16, lines 40-56 of *Otsuka*, this section teaches a conventional soft hand-off for receiving and combining signals of base stations such that a pilot signal strength received by a given mobile station according to a position of the mobile station is greater than a given threshold, but again fails to disclose searching FAs of adjacent base stations excluding a base station currently engaged in communication with the mobile terminal.

Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 1, 3, and 7 under 35 U.S.C. § 103(a) as being unpatentable over *Soliman* in view of *Otsuka*, and it is respectfully requested that the rejection of Claims 1, 3, and 7 be withdrawn.

Based on the arguments presented above, it is respectfully submitted that Claims 1, 3, and 7 are in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 4-6, they are likewise believed to be allowable by virtue of their dependence on Claims 1 and 3, respectively. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 4-6 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-7 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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